



Local Filing Officer How-To Guide

(A Brief Journey into the Mind of a Local Filing Officer and how they are Successful)





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Disclaimer

- This training guide is a educational resource for county and municipal filing officers. It is a not a substitute for the law. It is imperative that you take the contents of this guide as a reference to assist in the day to day operations of campaign finance. You should always go back and look over the law to make sure you are in compliance.

Any questions, feel free to contact the education department at gaethics@ethics.ga.gov.



DISCLAIMER



Brief History about Local Filing Officers

- During the 2013-2014 legislative session, the General Assembly passed **SB 297** and **HB 143** requiring **ALL** municipal and county level candidates to file campaign finance commission paperwork with their local filing officer.
 - A candidate for public office, the chairperson or the treasurer of such candidate's campaign committee **shall** sign and file required campaign disclosure reports ***with the county election superintendent, municipal clerk and/or election superintendent or chief executive officer of the municipality.***

If there is no city clerk or chief executive officer, the municipality may enter into an intergovernmental agreement with the county. This agreement signifies all municipal level candidates to file campaign finance commission paperwork with the county. **Reference O.C.G.A. § 21-5-34(a)(3) & (4)**



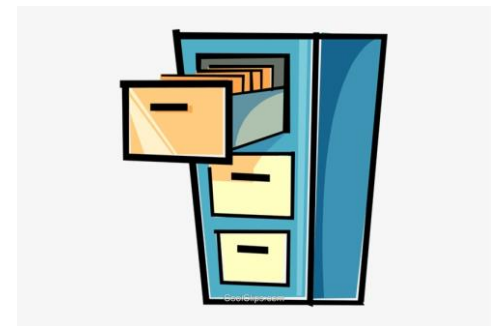
Who is the Local Filing Officer?

- The Local Filing Officer is the keeper of all things campaign finance for local filers (Elected officials and candidates). The main task of a local filing officer:
 - Collect signed and completed documents from county and municipal level filers, and send a copy to the Commission within the allotted timeframe.
- What the law says about local filing officers:
 - Any person who supervises and/or qualifies local officials for election to county and/or municipal offices. (**Reference Ga. Comp. R. & Regs. R. 189-2-.01(14)**)
 - *The terms local filing officer and qualifying officer are at times used interchangeably.*



Who is the Local Filing Officer?

- The local filing officer in all county and municipal jurisdictions is:
 - County Election Superintendent (In counties where the board is the superintendent, they can designate a designee i.e. election supervisor, the assume the roles of the local filing officer.)
 - City Clerks or Assistant City Clerks
 - Chief Executive Officers
 - In municipalities where there is no city clerk or assistant city clerk, the responsibility falls to the CEO of the municipality which in all cases is the **MAYOR**. The mayor should not have this task. It is imperative that someone or some agreement is in place to handle the filing responsibilities at the municipal level.





The Do's and Don'ts for Local Filing Officers

- What a local filing officer “shall” do:
 - Retain original copies of all campaign finance documentation received for five years from the date of receipt. This is the Commission’s retention schedule, and all local filing office jurisdictions shall follow suite. (**Reference Ga. Comp. R. & Regs. R. 189-1-.08**)
 - **Elected Officials** – The local filing officer shall keep the documents of elected officials for five years from the day they official leave office.
 - Send a copy of all campaign finance documents submitted and date stamped to your office to the Commission via the new e-filing system CFIS. The only method to send documents is uploading them to CFIS within the allotted time frame.



The Do's and Don'ts for Local Filing Officers

- What a local filing officer “shall” do:
 - Upload a *Qualified Candidate Information Form* to CFIS within ten days of the qualifying period ending. If the local filing officer and qualifying officer are the **SAME** person, the local filing officer assumes the roles of the qualifying officer.
 - Upload an *Election Outcome Information Form* to CFIS within ten days of the election being certified.





The Do's and Don'ts for Local Filing Officers

- What a local filing officer “may” do:
 - **May** offer assistance to local filers submitting paperwork but with some limitations. (**Reference Ga. Comp. R. & Regs. R.189-3-.08**)
 - **May** provide local filers with the prescribe forms from the Commission’s website here <https://ethics.ga.gov/formsreportspublications/>.
 - **May** issue courtesy reminders to local filers of filing deadlines.
 - **May** point out to local filers that it is a best practice for them to keep a copy of all their campaign finance documents for at least five years from the date of terminating their campaign.



The Do's and Don'ts for Local Filing Officers

- What a local filing officer “cannot” do:
 - **CANNOT** complete the documentation for local filers.
 - **CANNOT** give out legal advice.
 - **CANNOT** be biased in assistance local filers. What you do for one filer or group, you must do for ALL filers and groups.
 - **CANNOT** give advice or opinions on how to fill out campaign finance documentation.
 - **CANNOT** let elected officials or candidates for local office use your government-issued office equipment to fill out campaign finance documentation.



Elected officials should not be using their government-issued email or equipment to fill out campaign finance documentation. (Reference **O.C.G.A. § 21-5-30.2(b)**)



Who is the Qualifying Officer?

- The qualifying officer is the person who qualified a candidate for election: **(Reference O.C.G.A. § 21-5-3(23))**
 - In most cases, this person and the local filing officer are the same person.
- The qualifying officer in ***MOST*** county and municipal jurisdictions:
 - County Election Superintendent (In counties where the board is the superintendent, they can designate a designee i.e. election supervisor, the assume the roles of the local filing officer.)
 - City Clerks or Assistant City Clerks
 - *The local jurisdiction can also designate a person to be the qualifying officer outside of the Election Superintendent and City Clerk.*

Local filing officers handle the campaign finance filing responsibilities of the Act and qualifying officers handle the qualifying responsibilities of the Act



Main Responsibility of Qualifying Officers

- What a qualifying officer “shall” do:
 - Upload a *Qualified Candidate Information Form* to CFIS within ten days of the qualifying period ending. If the local filing officer and qualifying officer are the **SAME** person, the local filing officer assumes the roles of the qualifying officer.

This is the main and **ONLY** role and responsibility of the qualifying officer.

Qualifications
For
Office





Forms Filed at the Local Level

- There are five forms that a local filer has to file with the local filing officer.
- For these forms to count and be considered “filed,” they have to file the forms with the local filing officer.
 - **Form DOI** – Declaration of Intention to Accept Campaign Contributions
 - **CCDR** – Campaign Contribution Disclosure Report
 - This also includes the Final Report and Termination Statement
 - **Affidavit of Exemption** – Affidavit of a Candidate’s Intent Not to Exceed \$2,500 in Contributions and/or Expenditures
 - **TBDR** – Two Business Day Report
 - **PFDS** – Personal Financial Disclosure Statement



Form DOI

- Anyone who is not already a public officer and who plans to run for public office must file a Declaration of Intention to Accept Campaign Contributions **BEFORE accepting** campaign contributions.
- Anyone who is not already a public officer and who plans to run for public office must file a Declaration of Intention to Accept Campaign Contributions **BEFORE spending** campaign contributions. (**Reference Ga. Comp. R. & Regs. R. 189-6-.10**)
- The Form DOI is located on our website here http://ethics.ga.gov/wp-content/uploads/2020/02/2020_FormDOI-rev-2.12.2020-LOCAL.pdf.

All local filers MUST file the Form DOI directly with their Local Filing Officer. This document is NOT filed with the Commission.



Form DOI

- There is NO grace period for filing the Form DOI. The document does need to be filed before the election date listed on the form.
- Filing the Form DOI triggers the reporting requirement for filers to file campaign contribution disclosure reports.
 - As soon as the Form DOI is filed with the Local Filing Officers, filers are required to start reporting their contributions and/or expenditures following the filing schedule listed here <https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Local-Filers-2.15.2021.pdf>.
- There is no expiration date for the Form DOI. The Form DOI is valid until the candidate and/or public official disposes of all campaign funds and terminates the account. (**Reference O.C.G.A. § § 21-5-33, 21-5-34(m)**)

A filer DOES NOT have to wait to qualify to file the Form DOI. It can be filed BEFORE they qualify for office.



Form DOI

- A new Form DOI **MUST** be filed for each new office a local filer accepts and spends campaign funds for.
- A new Form DOI **MUST** be filed each time there is a break in office and the filer and/or public official terminated their account.
 - Example: Local filer ran for County Commission, District 1 in 2016. The filer was unsuccessful in that campaign and wants to run for County Commission, District 2 in 2020. That filer will file a new Form DOI because they are running for a different office.
 - Example: Local filer was the mayor in Stone City from 2009 – 2017. They decided to take a break from office. They want to run for mayor again in 2021. That file will file a new Form DOI because there was a break in office.



Campaign Contribution Disclosure Reports

- A report filed by candidates, public officials, and/or campaign committees that discloses all contributions received and expenditures made during a reporting period.
 - What is a reporting period? The reporting period is the period of time beginning the day AFTER the last CCDR due date, excluding any grace period, through the due date of the next report.
 - Scenario: In an election year, there are six CCDR's due. The first report of the year is due on January 31st. The next report is due on April 30th. The reporting period would be between February 1st and April 30th.
- There is a five day grace period for all CCDR filings.
 - Runoff elections have a grace period of only two days.

The grace period does not include weekends of holidays.



Campaign Contribution Disclosure Reports

- The CCDDR is filed directly with the local filing officer.
- If the county or municipal offers a way for filers to file electronically, that is permitted. If that option is not available, all filers will file the CCDDR form manually.
- The CCDDR form has to be filed in its entirety. That means a filer has to file all ten pages regardless of whether or not information is on the page.
- The CCDDR form is located on our website here [http://ethics.ga.gov/wp-content/uploads/2020/02/2020 CCDDR NEYdate Update-2.18.2020.pdf](http://ethics.ga.gov/wp-content/uploads/2020/02/2020_CCDDR_NEYdate_Update-2.18.2020.pdf).

The CCDDR does NOT have to be notarized.



Final Report and Termination Statement

- This is the final report filers file to terminate their campaigns.
- This report can ONLY be file when the filer has a net balance on hand of \$0 and has \$0 in campaign debt.
- ALL filers file this report to terminate their campaign. If a filer has an affidavit of exemption on file, they will still file this report when it is time to terminate.
- The final report and termination statement is filed directly with the local filing officer.



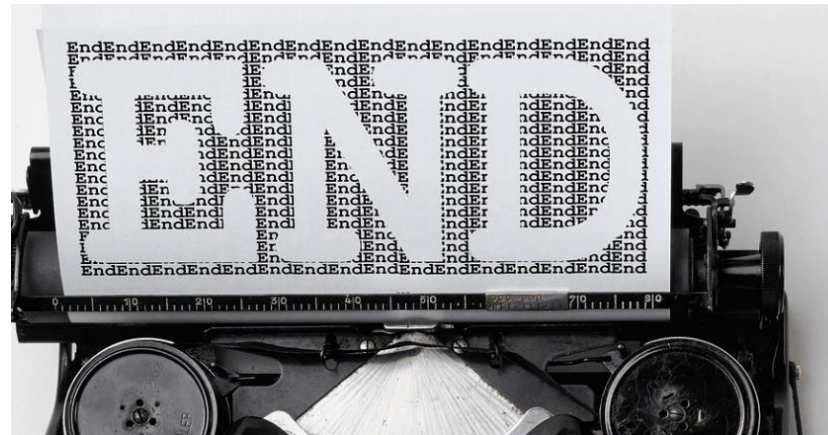
Final Report and Termination Statement

- When does a local filer file the final report and termination statement?
 - Scenario 1: Local filer files the Form DOI, files the affidavit of exemption, but does not qualify for office. This filer can file the final report and termination statement within 10 days of dissolving the campaign.
 - Scenario 2: Local filer files the Form DOI, files the affidavit of exemption but is unsuccessful in the primary election. This filer can file the final report and termination statement on December 31st.
 - Scenario 3: Local filer files the Form DOI, does not file the affidavit of exemption, and does not qualify for office. This filer owes a June 30th and January 31st CCDR following the date of the election. After they file the January 31st report, they can terminate within 10 days of dissolving campaign.



Final Report and Termination Statement

- When does a local filer file the final report and termination statement?
 - Scenario 4: Local filer files the Form DOI, does not file the affidavit of exemption, and qualifies for office. This filer is unsuccessful in the primary election, they are required to file the same reports outlined in the filing schedule as the successful candidate. They can file the final report and termination statement on December 31st.





Affidavit of Exemption



- This is a document candidates and/or public officials can file if they **DO NOT** intend on accepting a combined total of \$2,500 in contributions and/or expenditures during an election cycle.
- The affidavit allows a filer to be “exempt” from filing campaign contribution disclosure reports if they stay under the aggregate threshold of \$2,500.
- The affidavit is filed directly with the local filing officer.
- The affidavit **DOES NOT** apply to the Personal Financial Disclosure Statement (PFDS). All elected officials have to file PFDS regardless of whether or not they have an affidavit on file.



Affidavit of Exemption



- The affidavit is only valid for one election cycle.
 - What is an election cycle? An election cycle is the day after the November General Election to the next November General Election when that person will be on the ballot for the same race. (**Reference O.C.G.A. § 21-5-3(10)**)
 - **This is not a document a filer files once and is good forever. A new one has to be filed for every election cycle.**
- A best practice is for the local filer to file the affidavit at the same time they file the Form DOI.
- A filer does not have to wait to file the affidavit when they qualify for office. They can file both the Form DOI and affidavit before they qualify.



Affidavit of Exemption



- What happens when a filer crosses the \$2,500 threshold in contributions and/or expenditures?
 - Filers who cross \$2,500 but stay under \$5,000 shall file a June 30th and December 31st CCDR in their next election year.
 - Scenario: Filer won the mayoral election for Stone City in 2017. Filer crosses \$2,500 but stays under \$5,000 in 2018. Their next election year is 2021 which is when they will file the June 30th and December 31st. They will not file anything in 2019 or 2020.
 - Filers who exceed \$5,000 shall file ALL reports prescribed in the Act.
 - Scenario: Filer won the mayoral election in Stone City in 2017. Filer crosses \$5,000 in 2018. The filer will start filing all of the reports in the filing schedule starting in 2018. They will file non-election year reports in 2018, 2019, and 2020. They will file all election year reports in 2021. **Reference O.C.G.A. § 21-5-34(d.1)**



Two Business Day Report

- This report is used to report contributions received, including loans, of a \$1,000 or more. This report is only filed during certain times of the year.
- This report is **NOT** filed every time a filer receives \$1,000 or more.
- The contributions **MUST** be reported within two business days of receipt and **MUST** be reported on the next scheduled CCDR.
- There is NO grace period for the two business day report. (**Reference O.C.G.A. § 21-5-34(c)(2)(C)**)
- **If the filer has an affidavit of exemption on file, they are not required to file this report unless the threshold is crossed.**



Two Business Day Report

- This report is due during the time period between when the last CCDR is due before an election and the election date for which a candidate has qualified.
 - Scenario: Filer qualifies for the mayoral election held on November 2, 2021. They do not have an affidavit of exemption on file. The last CCDR due before the November General is October 25th. Any contributions received of \$1,000 or more between October 26th and November 2nd are reported on the two business day report. They received \$1,000 on October 31st. They will file the report within two business days.
- The two business day report is located on our website here [http://ethics.ga.gov/wp-content/uploads/2015/02/2014 TBD-Two-Business-Days-Report-of-Contributions-Received_writable.pdf](http://ethics.ga.gov/wp-content/uploads/2015/02/2014_TBD-Two-Business-Days-Report-of-Contributions-Received_writable.pdf).



Personal Financial Disclosure Statement

- The PFDS is a document filed by all current elected officials that discloses information about financial activity for the preceding calendar year.
- A local filer who is a candidate for office but is not an elected official is **NOT** required to file the PFDS. Should they win their election, they will file the PFDS the following year.
- There is **NO** grace period for the PFDS. The report is due on the due date and is due EVERY YEAR an elected official is in office. (**Reference O.C.G.A. § 21-5-50(a)(1) & (3.1)**)



Personal Financial Disclosure Statement

- When does an elected official file the PFDS?
 - During **non-election years**, the PFDS is due between January 1st and July 1st.
 - During **election years**, the PFDS is due within 15 days of qualifying. If the elected official chooses to file the PFDS between January 1st and July 1st during an election year, they will not have to file the PFDS again when they qualify for office.
- The PFDS is filed directly with the local filing officer and can be found on our website here http://ethics.ga.gov/wp-content/uploads/2015/02/2014-PFD-Personal-Financial-Disclosure-Statement_writable.pdf.
- The PFDS does not have to be notarized.



Forms Filed with the Commission

- There are two forms that a local filer has to file with the Commission.
- Forms filed with the Commission are filed electronically using our new e-filing system located here <https://efile.ethics.ga.gov/#/index>.
- For these forms to count and be considered “filed,” they have to file the forms with the Commission.
 - **Form RC** – Registration of a Candidate Campaign Committee
 - **COOSA Form** – Choosing the Option of Separate Accounting



Forms Filed with the Commission

- Form RC – Registration of a Candidate Campaign Committee
 - Before a campaign committee accepts contributions, the name and address of the chairperson and treasurer shall be filed with the Commission.
 - A filer does not have to have a campaign committee. Having a campaign committee is optional.
 - There cannot be a vacancy in either the chairperson or treasurer spot. If a filer registers a campaign committee, they have to have a chairperson and treasurer at all times.
 - The registration of a campaign committee remains in effect as long as the candidate remains in office unless the registration is canceled by the committee or candidate. (**Reference O.C.G.A. § 21-5-30(b)**)
 - **The Form RC is filed electronically on the Commissions website here <https://efile.ethics.ga.gov/#/index>.**



Forms Filed with the Commission

- COOSA – Choosing the Option of Separate Accounting

- Allows a filer the option to collect campaign contributions for each election in an election cycle at the same time. The filer must separately account for those contributions.
- The filer shall only be required to file one such form which shall be utilized for all subsequent elections to the same elective office.
- The COOSA form does not expire.
- The COOSA form is ONLY valid for one office per cycle. It automatically becomes invalid if the filer closes out their account or runs for a different office. (**Reference O.C.G.A § 21-5-43(a)**)
- **The COOSA Form is filed electronically on the Commissions website here <https://efile.ethics.ga.gov/#/index>.**



Sending Documents to the Commission

- ALL local filing officers are required to upload copies of campaign finance documents received to the new e-filing system, CFIS. Please follow the how-to guide found here <https://ethics.ga.gov/wp-content/uploads/2021/08/Registering-A-New-Account-Information-Local-Filing-Officers-Edition-8.16.2021-V2.pdf> for additional information.
- You are not allowed to fax or email copies of campaign finance documents to the Commission.





Ballot Committees

- Any campaign committee which accepts contributions or makes expenditures designed for voters to approve or reject questions appearing on the ballot in a county or municipal election.
- Ballot committees registered directly with the County Elections Office or City Clerk for where the question will appear on the ballot.
- Ballot committees **DO NOT** register with the Commission.
- Best Practice: Ballot committees should register when there is actual enabling legislation for the question to appear on the ballot.



Ballot Committees

- The register using the Form RO which can be found on our website here http://ethics.ga.gov/wp-content/uploads/2017/09/Current_FORMRO.pdf.
 - They will select the option “County or Municipal Ballot Question.”
- They are only required to file campaign contribution disclosure reports if contributions and/or expenditures exceed \$500.
- They will follow the special election filing schedule found here <https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Non-Candidate-Committees-2.15.2021.pdf>.
- Ballot committees shall identify the principal officer of the committee on all advertising. (**Reference O.C.G.A. § 21-5-34(a)(2)(A)**)




Recall Committees

- Did you know that if someone wants to recall an elected official, there are campaign finance reports they have to file with the Commission?
 - What is a recall committee? Any campaign committee which accepts contributions or makes expenditures for the purpose of recalling a public officer or opposing a public officer.
 - The recall committee has to register with the Commission by filing the Form RO. That form is located on our website here [http://ethics.ga.gov/wp-content/uploads/2017/09/Current FORMRO.pdf](http://ethics.ga.gov/wp-content/uploads/2017/09/Current_FORMRO.pdf).
 - They will select the option “Recall Committee.”
- They will be following the filing schedule outlined in O.C.G.A. § 21-5-34(g)



Late Fees

- Local filing officers are responsible for letting the Commission know who your late and non-filers are.
- Local filing officers are NOT responsible for the notification and collection of late fees. (You are not the campaign finance police) 
- Local filing officers should send an email to latefees@ethics.ga.gov with information pertaining to the late or non-filer. You should include the following information:
 - Name, address, office filer is seeking or holds, report type, email (if applicable), due date of report, and date the filer filed the report.

Late fees start at \$125 and escalate from there. It is imperative that candidates and public officials file their reports on time to avoid paying late fees.



Local Level Lobbyist Reporting

- Did you know that lobbyist for county and municipal-level governments should be filing reports with you?
 - County and municipal-level lobbyist shall register with the Commission.
 - They shall file disclosure reports with the Commission and submit a copy of such report with the **election superintendent of each county**.
 - They shall file a report with each county involved if the report contains lobbyist expenditures related to county or county school districts.
 - They shall file disclosure reports with the Commission and submit a copy of the such report with the **city clerk of each municipality**.
 - They shall file a report with each municipality involved if the report contains lobbyist expenditures related to municipal or independent school districts.



Open Records Request

- The local filing officer is the custodian of records for local filers is required to retain the original records for 5 years.
- ALL campaign finance documents are subject to public inspection and available for open records requests.
- Best practice: The Commission does not redact any information on campaign finance forms.
- For additional assistance, please contact your county or municipal attorney.





Questions

- Feel free to contact the Education Department at gaethics@ethics.ga.gov or 404-463-1980.
- The education help desk is available from 9:30 am – 4:30 pm.

